

ICC Docket No. 14-0496
City/CUB Response
to JA's Second Set of Data Requests
December 15, 2014

JA CC 2.28 Please state whether Mr. Cheaks includes Peoples Gas annual operating and maintenance construction activity (apart from the AMRP) in his statement on lines 48-49 of City/CUB Ex. No. 3.0 that “continuing the current day-to-day operational [*sic*] merely perpetuates unacceptable construction management performance.”

RESPONSE: Mr. Cheaks does include Peoples Gas annual operating and maintenance construction activity in his statement on lines 48-49 of City/CUB Ex. No. 3.0.

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JA CC 2.32 Please state whether or not CDOT issues 100% of requested Permits to perform emergency work within one business day of the receipt of a fully completed application for such Permit.

RESPONSE: City/CUB object to the request as beyond the scope and not reasonably calculated to lead to the discovery of admissible evidence, as CDOT's Permit issuance performance is not at issue in this proceeding. Subject to and without waiving these objections and City/CUB's General Objections, City/CUB responds as follows. CDOT does not issue 100% of requested Permits to perform emergency work within one business day of the receipt of a fully completed application for such Permit because some requested Permits may be duplicative, some may need additional approval due to other applicable regulations or ordinances, some may require additional information, and (as the regulations specify) some may be issued retroactively.

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JA CC 2.33 Please state whether or not CDOT agrees that Emergency Leak investigation work by Peoples Gas in the Public Way should commence in accordance with Federal and Illinois Commerce Commission requirements and should not be delayed because CDOT has not issued the requested Permit where Peoples Gas has contacted DIGGER prior to commencement of the work and requested a Permit from CDOT to perform such work in the Public Way the next business day.

RESPONSE: Yes, if submitted properly. Please see 3.4.4 of 2014 CDOT Rules and Regulations for Construction in the Public Way which allow Emergency work to start without a permit. It is the responsibility of the contractor performing the work to have the executed permit in hand by the next business day after starting the emergency work. The Permittee shall enter into a CDOT-approved restoration agreement five business days prior to placing concrete based to grade in the emergency work area.

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JA CC 2.50 Referring to lines 477-478 of Mr. Cheaks' Direct testimony, City/CUB Ex. No. 3.0, is it Mr. Cheaks' position that Peoples Gas should not make any changes to its construction schedules once submitted to OUC for approval? If so, why? Please be specific and provide all supporting documentation, work papers or analysis that supports Mr. Cheaks' opinion.

RESPONSE: No, that is not Mr. Cheaks' position. Mr. Cheaks' position is that any changes should be communicated as soon as possible so as to not lose possible opportunities for cost-savings and so as to allow accurate notification to other occupiers of Public Ways for their infrastructure and projects in the Public Way.

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JA CC 2.51 Referring to lines 477-478 of Mr. Cheaks' Direct testimony, City/CUB Ex. No. 3.0, please provide a breakdown of this amount by AMRP and O&M permits.

RESPONSE: The data provided in City/CUB Ex. 3.5 is only for AMRP and Public Improvement Projects, as indicated in Column D of that exhibit.

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JA CC 2.53 Referring to lines 494-502 of Mr. Cheaks' Direct testimony, City/CUB Ex. No. 3.0, does Mr. Cheaks claim that Peoples Gas does not take into consideration whether or not a street is a moratorium street during its AMRP planning and scheduling process? If so, what is the basis for this claim? Please be specific and provide all supporting documentation, work papers or analysis that support Mr. Cheaks' position.

RESPONSE: No, that is not Mr. Cheaks' claim.

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JA CC 2.54 Referring to lines 494-502 of Mr. Cheaks' Direct testimony, City/CUB Ex. No. 3.0, does Mr. Cheaks claim that Peoples Gas can avoid degradation fees completely for AMRP work? If so, what is the basis for this claim? Please be specific and provide all supporting documentation, work papers or analysis that support Mr. Cheaks' position.

RESPONSE: No, that is not Mr. Cheaks' claim. Mr. Cheaks' position is that Peoples Gas could minimize degradation fees with better planning and scheduling decisions.

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JA CC 2.55 Referring to lines 494-502 of Mr. Cheaks' Direct testimony, City/CUB Ex. No. 3.0, is it Mr. Cheaks' position that Peoples Gas can avoid degradation fees completely for O&M work? If so, why? Please be specific and provide all supporting documentation, work papers or analysis that support Mr. Cheaks' position.

RESPONSE: No, that is not Mr. Cheaks' position.

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JA CC 2.59 Identify by permit holder and by year the number of times each permit holder has performed work outside the permit period since January 1, 2011.

RESPONSE: City/CUB object to this request as beyond the scope and not reasonably calculated to lead to the discovery of admissible evidence, as the performance of permittees besides PGL is not at issue in this proceeding. City/CUB also object to this request as overly burdensome as to “each permit holder” and “number of times.” Subject to and without waiving these objections and City/CUB’s General Objections, City/CUB respond as follows. CDOT does not keep track of the information in the manner requested.

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JA CC 2.62 Referring to Table 4 on page 34, produce the same data for permits related to AMRP only.

RESPONSE: CDOT does not keep track of the information in the manner requested.

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JA CC 2.68 Of the 36 locations discussed on pages 43-44 of City/CUB Ex. 3.0, identify each and every instance in which the delay was due to an “avoidable delay in project completion.” For each instance identified, identify the avoidable delay in project completion.

RESPONSE: City/CUB does not know which instances are due to delays in project completion that Peoples Gas could have avoided.

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JA CC 2.69 Identify each and every instance in which you contend "PGL's corrosion team [submitted] permits to the City even if it [did] not have definite plans to begin construction on or near the starting date for the permit." (City/CUB Ex. No. 3.0, 44:853-854)

RESPONSE: City/CUB object to this request as unduly burdensome because it seeks "each and every instance." City/CUB also object to the request as beyond the scope and not reasonably calculated to lead to the discovery of admissible evidence as the exact amount of alleged waste is not at issue since this is not a rate case proceeding. Subject to and not waiving these objections and City/CUB's General Objections, City/CUB answer as follows. The instances in which PGL's corrosion team submitted permits to the City without definite plans to begin construction on or near the starting date for the permit include, but are not limited to, the following:

- 300 W 94th Place, 2/12-7/14
- 300 W 91st, 1/11-7/14
- 9100 S Princeton, 1/11-7/14
- 310 W 94th Place, 2/12-7/14
- 7800 S Cornell, 3/13-5/14
- 3200 N Pulaski, 7/11-4/14
- 2100 S Racine, 1/11-5/13
- 6600 S Ellis, 9/11-10/13

This list is not exhaustive as CDOT does not keep a comprehensive database of the information requested.

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JA CC 2.71 Identify each and every instance in which you contend Peoples Gas' lack of coordination has led to "waste." (City/CUB Ex. No. 3.0, 45:868)

RESPONSE: City/CUB object to this request as unduly burdensome because it seeks "each and every instance." City/CUB also object to the request as beyond the scope and not reasonably calculated to lead to the discovery of admissible evidence, as the exact amount of alleged waste is not at issue since this is not a rate case proceeding. Subject to and not waiving these objections and City/CUB's General Objections, City/CUB answer as follows. Instances in which Peoples Gas' lack of coordination has led to waste include, but are not limited to the following:

- 3180 N Sheridan, September 2014
- 6000 W Belmont, April-August 2014
- 3300 N Racine, 9/11-12/12
- 100 E 101st Place, August-December 2012
- 9000 S Commercial, May-August 2014
- 3000 W Gunnison, 3/11-7/14
- 7200 W Irving Park, 4/11-6/11
- 12000 S Halsted, 3/12-8/14
- 1 W 109th, 9/11-8/14
- 8800 S Dante, 10/13-4/14
- 4300 N Albany, 1/11-11/12

Please also see City/CUB Response to JA CC 2.72. This list is not exhaustive as CDOT does not keep a comprehensive database of the information requested.

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JA CC 2.72 Identify each and every instance in which Mr. Cheaks contends "PGL's failure to timely schedule a construction crew meant that the narrow windows available for coordinated and cost-saving activity were wasted." (City/CUB Ex. No. 3.0, 45:880-882)

RESPONSE: City/CUB object to this request as unduly burdensome because it seeks "each and every instance." Subject to and not waiving that objection and City/CUB's General Objections, City/CUB answer as follows. Instances of PGL's failure to timely schedule a construction crew where that failure wasted the window for coordinated cost-saving activity include, but are not limited to, the following:

- Michigan Avenue in Central Business District during Summer of 2014
- East 79th Street and South Stony Island Avenue in May-December of 2014
- 2100 block of West Armitage in 2014
- 100 block of West Van Buren in February-June of 2014
- 3600 block of West 83rd Street in June-October of 2014

This list is not exhaustive as CDOT does not keep a comprehensive database of the information requested.

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JA CC 2.74 Is it the position of City/CUB that the fact that WEC did not incur any material increases in costs due compliance with new regulations or any fees, fines or penalties for non-compliance with Milwaukee's regulation is evidence of poor management?

RESPONSE: No.

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JA CC 2.79 Is Mr. Cheaks aware of any situation since January 1, 2011, where a Peoples Gas AMRP or O&M project was delayed because CDOT had not yet issued a requested Permit for the work? If yes, please identify each such situation.

RESPONSE: Yes, Mr. Cheaks is aware of situations where a Peoples Gas AMRP or O&M project was delayed because CDOT had not issued a requested Permit when PGL submitted duplicate and triplicate requests for the same location and when there were moratoria or events that precluded public way access. CDOT does not maintain an exhaustive database with the information requested, but as an example recounts the following. On Michigan Avenue in the Central Business District during Summer of 2014, there were only specific time frames in which CDOT would allow PGL to work and PGL did not complete the restoration work within the allotted time frame. The justification for delay of the issuance of this particular permit "request" was the work would have significantly impacted 45,000 vehicles per day and other events such as the Chicago Marathon, Taste of Chicago, Lollapalooza, etc. So in this instance and others, a permit "request" can be delayed for issuance until the review of other known impacts (other capital improvement work, other detours, planned special events, etc.) have been evaluated.